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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/820,161	04/07/2004	Juha Tuominen		7033
140	7590	05/16/2006	EXAMINER	
LADAS & PARRY 26 WEST 61ST STREET NEW YORK, NY 10023				LIVEDALEN, BRIAN J
			ART UNIT	PAPER NUMBER
			2878	

DATE MAILED: 05/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

H.A

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/820,161	TUOMINEN ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Brian J. Livedalen	2878

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 10 April 2006.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-16 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-16 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 07 April 2004 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

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## **DETAILED ACTION**

This action is in response to amendment filed 4/10/2006. Claims 1-16 are pending.

### ***Double Patenting***

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1, 3, 7-9, and 14-16 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 3, 8, 9, 11, and 18 of U.S. Patent No. 6633026, hereinafter referred to as '026, in view of Robinson (6433683).

In regard to claims 1, 9, 15, and 16, claims 1 and 11 of Patent '026 recites a system and method for supplying power in a wireless system having a power transmitter

that has a first light source and means for directing the light emitted from the first light source in a desired direction, and a second light source; a power receiver that has a first photo-detector for receiving emitted light and transforming it into electric current, and a second photo detector (column 9, lines 43-49, column 10 lines 45-50); transmitting by means of the second light source in the power transmitter a substantially parallel light arranged around the light emitted by the first light source (column 9, lines 50-52, column 10 lines 54-56), the power of the light being substantially lower than the power of the light emitted by the first light source, detecting by means of the second photo detector of the power receiver the light emitted by the first light source (column 9, lines 53, 54, column 10 lines 52, 53), transmitting a control signal from the receiver to the emitter in response to receiving the light emitted by the second light source (column 9, lines 57-59, column 10 lines 57-63), and switching on the first light source of the power transmitter in response to receiving from the power receiver the control signal on the reception of the light emitted from the second light source (column 9, lines 60-63, column 10 lines 64-67). Claims 1 and 11 of Patent '026 fails to recite the system being used for surveillance. However, Robinson discloses (fig. 2) a remote system that is used for surveillance (abstract). It would have been obvious to modify claims 1 and 11 of Patent 026' in order to use the wireless system to detect motion from a remote location. Claims 1 and 11 of Patent '026 discloses transmitting information between the remote elements but fails to recite the system using radio frequencies to communicate between the two elements. However, Robinson discloses (fig. 2) a system with two remote elements that communicate information using radio frequencies (abstract). It

frequency communication in order to inexpensively communicate information between the remote elements without light interference.

In regard to claim 3, claim 3 of Patent '026 recites transmitting the light emitted by the second light source in pulses, ending the transmission of the control signal in response to the time between the consecutive pulses received by the power receiver being at least twice the inverse value of the transmission frequency of the pulses (column 10, lines 6-12).

In regard to claims 7 and 14, claims 8 and 18 of Patent '026 recites deflecting the light emitted by the second light source of the power transmitter according to a predefined route in the space surrounding the power transmitter to search for the power receivers (column 10, lines 30-34, column 11, lines 37-40).

In regard to claim 8, claim 9 of Patent '026 recites transmitting the light of the second light source at a level that is substantially so low as not to damage the eye (column 10, lines 35-38).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Robinson (6433683) in view of Flesner et al. (5248931).

In regard to claim 16, Robinson discloses (fig. 2) a wireless surveillance device in a surveillance system (16), which has means for generating surveillance data and a radio frequency transceiver (24) for transmitting the surveillance data wirelessly to a base station (42) (abstract). Robinson fails to disclose a power receiver having a first and second photodetectors for receiving the light emitted by a first and second light source respectively emitted from the base station and the surveillance device is arranged to transmit a control signal to the base station by means of the radio frequency transceiver. However Flesner discloses (fig. 1) a power receiver having a first photodetector (16) for receiving light emitted by a first light source (1) of a power transmitter in the base station and transforming it into electric current and second photodetector (16) for detecting the light emitted by a second light source (1) emitted from the base station and transmitting a control signal in response to the detecting (abstract, column 2, lines 22-25 "many photocells"). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the power supply method as taught by Flesner to the surveillance system of Robinson in order to more discreetly remotely detect the presence of someone or something by negating the need for wires. Flesner discloses transmitting a control signal to the base station in response to the detecting (column 3, lines 10-20). Flesner remains silent regarding transmitting the control signal via a radio frequency transmitter. However, Robinson teaches sending information using the radio frequency transmitter as set forth above. It would have been obvious to one of ordinary skill in the art at the time the invention was made

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to transmit the control signal via the radio frequency transmitter in order to maintain the wireless connection and reduce the need for any additional communication means.

***Allowable Subject Matter***

Claims 1-15 are allowable once 112 and double patenting rejections are overcome.

The following is a statement of reasons for the indication of allowable subject matter: Claims 1-15 are neither anticipated nor made obvious by the prior art of record. The prior art fails to disclose a power supply system that contains two light sources, one light source surrounding the other, and two photo detectors, the detecting element sending a signal to the source element once the second light source is detected by the second photo detector.

***Response to Arguments***

Applicant's arguments regarding the Double Patenting rejection filed 4/10/2006 have been fully considered but they are not persuasive.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a

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reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

In regard to claim 1, Applicant asserts that because the two references teach exclusive concepts, the teachings cannot be combined. However, exclusive teachings do not preclude an obvious-type rejection. If commonly owned patent, hereinafter referred to as '026, disclosed the use of radio, then there would be no need for an obvious-type rejection. However, this argument fails on a more fundamental concept. In making a double patenting rejection, Examiner does not look at the entire disclosure. Examiner only looks at the claims, and the claim limitations of '026 do not recite a control signal that is a light signal. The claims only recite "transmitting a control signal from the power receiver" (column 9, line 57). Therefore, Examiner is not suggesting replacing a light signal with a radio signal. Rather, Examiner is only suggesting it would have been obvious to one of ordinary skill in the art at the time the invention was made to make that signal a radio signal.

In regard to claim 16, due to Applicant's amendment, Examiner has clarified the rejection of the claim

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J. Livedalen whose telephone number is (571) 272-2715. The examiner can normally be reached on 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Epps can be reached on (571) 272-2328. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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